



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Utah State Office
P.O. Box 45155
Salt Lake City, UT 84145-0155
<http://www.blm.gov>



IN REPLY REFER TO:
3590
UTU-087809
(UT-920)

OCT 13 2005

CERTIFIED MAIL--Return Receipt Requested 7002 2410 0007 8750 8564

Mr. Greg Foy
Intrepid Potash
Wendover, LLC Potash Mine
P.O. Box 580
Wendover, UT 84083

Re: Exploration Plan Approval, Federal Potash Leases UTU-087809, UTU-087810,
UTU-087811, UTU-087813, UTU-087815

Dear Mr. Foy:

EXPLORATION PLAN APPROVAL

Background- The Bureau of Land Management (BLM) Utah State Office received your exploration plan on August 17, 2005. An environmental assessment was completed by the Salt Lake Field Office and documented in Categorical Exclusion UT-020-2005-056. This exploration plan was submitted in accordance with the regulations at 43 CFR 3590. Approval of this plan does not relieve you of your responsibility to notify the Division of Oil, Gas and Mining and obtain any other permits necessary to commence operations.

Approval- The exploration plan is approved for the Federal Potash Leases UTU-087809, UTU-087810, UTU-087811, UTU-087813, and UTU-087815

The exploration plan proposed drilling 1 hole into the shallow brine aquifer for the following sites:

Hole Wp-1, Federal Potash Lease UTU-087811, T 2S R 17W Section 17,
Hole Wp-2, Federal Potash Lease, UTU-087809, T 2S R 18W Section 13,
Hole Wp-3, Federal Potash Lease, UTU-087810, T 2S R 17W Section 8,
Hole Wp-4, Federal Potash Lease, UTU-087811, T 2S R 17W Section 5,
Hole Wp-5, Federal Potash Lease, UTU-087811, T 2S R 17W Section 5,
Hole Wp-6, Federal Potash Lease, UTU-087813, T1S R 17W Section 28,
Hole Wp-7, Federal Potash Lease, UTU-087815, T 1N R 17W Section 35,
Hole Wp-8, Federal Potash Lease, UTU-087815, T 1N R 17W Section 35,

RECEIVED

OCT 17 2005

DIV. OF OIL, GAS & MINING

Hole Sw-1, Federal Potash Lease, UTU-087815, T 1N R 17W Section 35.
Hole Sw-2, Federal Potash Lease, UTU-087810, T 2S R 17W Section 8

The following additional conditions of approval will apply to this action:

Conditions of Approval-

1. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the operator, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. The operator shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The operator will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the operator.
2. Upon abandonment, all wells must be reclaimed. An abandonment plan must be submitted to, the authorized officer and approved prior to the abandonment of any well.
3. No travel will be allowed on the mud flat areas when they are too wet to support vehicles.
4. No litter or garbage is to remain on public lands. When equipment is no longer needed, it will be removed when operations are completed the area will be reclaimed to its original condition.
5. The operator(s) shall comply with all applicable Federal laws and regulation existing or hereafter enacted or promulgated. In any event, the operators(s) shall comply with the Toxic Substance Control Act of 1976 (as amended 915 U.S.C.2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the authorized area or on facilities authorized under this permit. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.193) Additionally any release of toxic substances (leaks, spills, etc) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Comprehensive and Liability Act of 1980, Section 103b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.
6. Any relocation, additional construction, or use that is not in accord with the approved plan, shall not be initiated without the prior written approval of the authorized officer. A copy of the authorization letter, including all stipulations and approved plan, shall be kept on site during operation.
7. The lessee shall submit all information on the hole and location in accordance with 43 CFR 3593.1. This should include a lithologic description, well completion depth, method of completion, static brine level, and brine analyses.

Bond- Because very little surface impact is expected, there is no need to provide a separate bond. The existing \$250,000 bond should adequately cover the proposal. BLM may adjust the bond amount at any time.

Appeal Rights- You have 30 days to appeal this approval to the Board of Land Appeals, Office of the Secretary, in accordance with the regulation at 43 CFR Part 4 and Form 1842-1 (enclosed). If an appeal is taken, your notice of appeal must be filed in this office within 30 days following the date of this approval. The appellant has the burden of showing that the decision appealed from is in error. If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and the petition for a stay must also be submitted to the Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellants' success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

For further information contact Mr. Stan Perkes, (801) 539-4036.

Sincerely,

JAMES F KOHLER

James F. Kohler
Chief, Solid Minerals Branch

Enclosure

1. Form 1842-1 (1 p)

cc: Will Stokes, Utah State Institutional Trust Lands Administration, 675 E. 500 S. Suite 500, Salt Lake City Utah, 84102

bcc: Central Files
Salt Lake Field Office
Utah Division of Oil, Gas, and Mining (Attn. Susan White) P.O. Box 145801, Salt Lake City, Utah, 84114-5801
Mine Files - UTU-087809

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL Within 30 days, file a *Notice of Appeal* in the office which issued this decision (see 43 CFR Secs. 4.411 and 4.413). You may state your reasons for appealing, if you desire.
2. WHERE TO FILE State Director, Utah
NOTICE OF APPEAL Bureau of Land Management
Utah State Office
P.O. Box 45155
Salt Lake City, Utah 84145-0155

SOLICITOR
ALSO COPY TO Regional Solicitor
Department of Interior
Federal Building, Room 6201
Salt Lake City, Utah 84138
3. STATEMENT OF REASONS Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 801 N. Quincy St., Suite 300, Arlington, Virginia 22203 (see 43 CFR Sec. 4.412 and 4.413). If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary.

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Department of Interior
Federal Building, Room 6201
Salt Lake City, Utah 84138
4. ADVERSE PARTIES Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose **must** be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (see 43 CFR Sec. 4.413). Service will be made upon the Associate Solicitor, Division of Energy and Resources, Washington D.C. 20240, instead of the Field or Regional Solicitor when appeals are taken from the decisions of the Director (WO-100)
5. PROOF OF SERVICE Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 801 N. Quincy St., Suite 300, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (see 43 CFR Sec. 4.401(c)(2)).

Unless these procedures are followed, your appeal will be subject to dismissal (see 43 CFR Sec. 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (see 43 CFR Sec. 4.401(a))